

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**Dustin J. Carroll,**

**Petitioner,**

**v.**

**Warden, Noble Correctional Institution,  
  
Defendant.**

**Case No. 2:22-cv-2155**

**Judge Michael H. Watson**


**Magistrate Judge Merz**

**ORDER**

Magistrate Judge Merz issued a Report and Recommendation (“R&R”) in this case that recommends the Court reject on the merits Petitioner’s Double Jeopardy claim and dismiss as procedurally defaulted Petitioner’s speedy trial claim. R&R, ECF No. 12. The R&R notified the parties of their right to object to the recommendations contained therein, *id.* at 13, and Petitioner failed to timely object.

Accordingly, the Court **ADOPTS** the R&R, **DISMISSES WITH PREJUDICE** Petitioner’s petition, and **CERTIFIES** that any appeal would be objectively frivolous such that Petitioner should not be granted leave to appeal *in forma pauperis*.

**IT IS SO ORDERED.**

  
**MICHAEL H. WATSON, JUDGE  
UNITED STATES DISTRICT COURT**